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Attorneys for Defendants San Francisco Culinary Bartenders and Service Employees Pension Fund

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUANITA E. SUGUITAN AND JOHN
SUGUITAN.

Case No. C 07-05113 JSW

Plaintiffs,

**SECOND DECLARATION OF
KIRSTEN BROOKS**

v.

**SAN FRANCISCO CULINARY BARTENDERS
AND SERVICE EMPLOYEES PENSION FUND.**

Defendants.

I, Kirsten Brooks, am employed by Associated Third Party Administrators, which provides administrative and record keeping services for the San Francisco Culinary, Bartenders and Services Employees Trust Funds ("Trust Funds"). These Trust Funds include the San Francisco Culinary Bartenders and Service Employees Pension Fund ("Pension Fund"). I am the Fund Manager for the Trust Funds and have worked in this capacity for over 25 years. I have personal knowledge of the facts set forth below and could and would competently testify to them if called as a witness in this matter.

1. The Pension Fund is an employee benefit pension plan established and maintained pursuant to the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. §1002(2) and pursuant to Section 302 of the Labor Management Relations Act.

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2. The Pension Fund's records reflect that former Participant Pedro Sugitan and
3 Juanita Estonilo were married in the Philippines on January 27, 1983. A true and accurate copy
4 of the Marriage Contract is attached hereto as Exhibit A.

5. Pedro Sugitan received monthly benefits, in the amount of \$96.45 per month,
6 from May 1, 1971 until his death on December 27, 1997.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Executed this 11th day of August, 2008, in

9 San Francisco, California.

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11 Kirsten Brooks
Kirsten Brooks

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EXHIBIT A

DATE June 3, 2008

MARRIAGE CONTRACT

City or Municipality of Rosario, Province of La Union
 MUNICIPAL JUDGE R. GUNZAGA
 WIFE M. C. REGISTRAR

	HUSBAND	WIFE
Contracting Parties	Pedro E. Suguitan	Anita Estornile
(a) Age	79 years old	43 years old
(b) Nationality	Filipino	Filipino
(c) Residence	Tubao, La Union	Tubao, La Union
Single, widowed or divorced	widower	widow
Father	Roselito Suguitan (deceased)	Trinidad Estornile
Nationality	Filipino	Filipino
Mother	Paulina Tavas	Gregoria Verezales
Nationality	Filipino	Filipino
Witnesses	Dominador Doria	Bentido Fernando
Residence	Tubao, La Union	Sgt. Tomas, La Union
Persons who gave consent or advice		
(a) Residence		
(b) Relation to contracting party		

Place of marriage { Office of the
 House of /
 Bendito /
 Church of / } Municipal Judge

Date of marriage January 27, 1983

Marriage solemnized by Marianito A. Licudan

(a) Municipal Judge (b) Rosario, La Union
 (Position) (Address)

THIS IS TO CERTIFY THAT I, Pedro E. Suguitan and Anita Estornile, on the date and at the place above given, of our own free will and accord, and in the presence of the person solemnizing this marriage and of the two witnesses named below, both of age, take each other as husband and wife.

And I, Marianito A. Licudan, Municipal Judge

CERTIFY: That on the date and at the place above written the aforesaid Pedro E. Suguitan and Anita Estornile were with their mutual consent lawfully joined together in holy matrimony by me in the presence of said witnesses, both of age; and I further certify that the Marriage License No. XXXX, issued at XXXXX on XXXXXX, 19_____, in favor of said parties, was exhibited to me or no marriage license was exhibited to me, this marriage being of an exceptional character performed under Art. 26 of Rep. Act 386; and that consent or advice to such marriage was duly given, as required by law, by the person or persons above mentioned.

IN WITNESS WHEREOF, we signed, (or marked with our fingerprint this certificate in triplicate this 27th day of January 1983.

Pedro E. Suguitan
 PEDRO E. SUGUITAN
 (Contracting Party) *PEDRO E. SUGUITAN*

Anita Estornile
 ANITA ESTORNILE
 (Contracting Party) *ANITA ESTORNILE*

MARIANITO A. LICUDAN

Judge, Justice of the Peace, Mayor, Priest, Minister, etc.

Municipal Judge

WITNESSES

Dominador Doria
 DOMINADOR DORIA

Bentido Fernando
 BENTIDO FERNANDO

(See back)

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and am employed in Alameda County. I am over the
3 age of eighteen (18) years and not a party to the within action. My business address is 1330
4 Broadway, Suite 1450, Oakland, CA 94612. On August 11, 2008 I served the following
document(s):

5 **SECOND DECLARATION OF KIRSTEN BROOKS**

6 by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or
7 manners described below to each of the parties herein and addressed as below or stated on the
attached service list:

8 John Suguitan
9 2509 La Union
Gonzales, Tubao
Philippines 601

Juanita Suguitan
2509 La Union
Gonzales, Tubao
Philippines 601

10 Email: john_suguitan12@yahoo.com.ph

11 **BY ELECTRONIC MAIL:** I caused said document(s) to be transmitted to email
address(es) designated.

12 **BY FACSIMILE:** I caused said document(s) to be transmitted to the fax number(s) of
the addressee(s) designated.

13 **BY MAIL:** I caused such envelope to be deposited in the mail at my business address,
14 addressed to the addressee(s) designated. I am readily familiar with LEONARD, CARDER's
15 practice for collection and processing of correspondence and pleadings for mailing. It is
16 deposited with the United States Postal Services on that same day in the ordinary course of
business.

17 **BY UPS INTERNATIONAL COURIER SERVICE:** I caused such envelope(s) to be
delivered via UPS International courier service to the addressee(s) designated.

18 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

19 Executed at Oakland, California, on August 11, 2008.

20 _____
21 /s/ Kathleen Hayes
22 Kathleen Hayes